

DISTRICT FOUR

2000 ANNUAL PRO BONO
REPORT AND PLAN



This Annual Pro Bono Report and Plan is made pursuant to Rule 6.5 of the Indiana Rules of Professional Conduct.

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Annual Pro Bono Plan
2000`

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A. Abstract-

Mission Statement: The goal primary goal of this plan is to work for “Equal Access to Justice” for persons of limited means. To this end, it adopts the goals as set out in Rule 6.5 of the Indian Rules of Professional Conduct as follows:

- (1) To enable Indiana attorneys to discharge their professional responsibilities to provide pro bono services;
- (2) To improve the overall delivery of civil legal services to persons of limited means by facilitating the integration and coordination of services provided by pro bono organizations and other legal assistance organizations throughout the state of Indiana;
- (3) To ensure statewide access to high quality and timely pro bono civil legal services for persons of limited means by (i) fostering the development of new pro bono programs where needed and (ii) supporting and improving the quality of existing pro bono programs;
- (4) To foster the growth of a public service culture within the Indiana Bar which values pro bono publico service;
- (5) To promote the ongoing development of financial and other resources for pro bono organizations in Indiana;

History: The committee chair has recruited assistance from Legal Services for some preliminary work, to gather statistics and other data in preparation for the committee as a whole to work with. There have been several meetings with Legal Services to review their findings, request additional information and review the rough draft of a possible plan.

Needs/ Priorities: People of limited means have all types of legal problems, and therefore have a need for representation in a wide range of legal problems. However, some of these needs are in greater demand and are more pressing than others. Therefore, priorities are needed to encourage the private bar to be willing to take on those more pressing problems. The needs within District 4 can be, in part, determined by the demand for services at the existing service providers. These are shown in Appendix 1. There are certain issues whose needs are presently being met by the current service providers. The needs that are not being adequately addressed shall be the District's priorities.

The priorities for District 4 include:

- 1 Divorces
- 2 Housing Issues (Landlord/Tenant, Home Ownership)
- 3 Other Family Law (guardianship, support, protective orders, adoptions)
- 4 Custody / Visitation
- 5 Consumer (Bankruptcy, Collection, Contracts)
- 6 Government Benefits

B. DATA

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2. Governance

3. History/Background (Current Service Providers)

-**The Legal Aid Corporation of Tippecanoe County** is a local Legal Aid program. It is partly funded by the Tippecanoe County Bar Association, United Way, Community Development Block Grant funds, revenue from court appointments, a small office fee to clients and their own fundraising efforts. They represent low-income residents of Tippecanoe County in such matters as divorces, custody/visitation issues, CHINS, Private Landlord-Tenant (eviction defense) and limited consumer matters.

-**Legal Services Program of Northern Indiana, Inc. (LSPNI)**, is an LSC funded program. Since 1991, LSPNI has been involved in promoting pro bono representation. It has organized a panel of pro bono attorneys in the “Community Volunteer Lawyers Panel” It has recruited attorneys in every county in its service area including all the counties comprising District 4. In Tippecanoe County, the panel is jointly operated with the Legal Aid Corporation of Tippecanoe County.

Legal Services has policies and procedures for screening and referring cases to pro bono attorneys, following up on those cases, recording the hours the attorneys spend on each case, assessing client satisfaction, including a client grievance procedure. It also provides for community recognition of the pro bono attorneys and provides certain supportive services including malpractice insurance and a litigation fund for extra ordinary expenses.

-**Montgomery County Legal Aid** is sponsored by the Montgomery County Bar Association. Presently there are 27 attorneys on the Legal Aid panel. Each attorney

handles a week at a time on a rotational basis and meets with clients in the attorney's individual office.

4. Plan Administrator - *Rule 6.5(g)(2) requires each Committee to select and employ a plan administrator to provide the necessary coordination and administrative support for the District Pro Bono Committee. Please indicate the name of the person, the duties of the plan administrator, if that position is funded and if so, the source of those funds.*

YET TO BE DETERMINED

5. Monitoring Role –

Quality: the quality shall be determined in part by client satisfaction.

Clients referred through Legal Services will be sent a “Client Satisfaction Survey” when their case is closed. The survey will ask for the client's general satisfaction about the services provided. This will include how well they felt they attorney handled the case, how well the attorney kept them informed about the progress of their case, and if they would consider asking for help through the Pro Bono Program in the future, should the need arise. The results of the surveys will be compiled and provided at least annually to the plan administrator.

Quantity: the quantity of services shall be measured in three ways:

(i) Number of attorneys participating

The goal is to have all attorneys participate in the provision of pro bono services. The initial objective, however, will be to have at least one third of the private bar in each county participating in an organized pro bono program by June 30, 2001. The majority of these attorneys should be willing to handle the types of cases identified as priority need within the district.

(ii) Number of clients served

The goal is to have each pro bono attorney handle three (3) cases each year.

The initial objective is to have an average placement of two (2) cases per pro bono attorney handled by June 30, 2001.

(iii) Number of hours

The goal is to have attorneys meet the ABA standard of 50 hours of pro bono work per year. The attorneys will be asked to report the number of hours they spent on each assigned case at the time the case is closed. The total number of hours donated in each county will be reported to the Plan Administrator no less than annually.

(c) **Evaluation of Costs:**

YET TO BE DETERMINED

(d) **Recording of client stories**

Legal Services or the other referring programs will maintain a list of cases they believe are significant or which have interesting/sympathetic stories. The attorneys should also report any cases they believe are significant, especially interesting or sympathetic back to the referring program. These cases will be summarized in such a manner as to preserve client confidentiality and reported to the Plan Administrator at least annually.

C. Existing Services, Programs, and Funding Sources

See Appendix 2

D. PROBLEM STATEMENTS/RECOMMENDATIONS

Problem/Barrier #1

Lack of knowledge about legal rights, responsibilities and availability of legal assistance to persons of limited means. Inability to recognize when the services of a lawyer are needed.

Supporting Data:

- Legal Needs Study of the Poor in Indiana, 1992
- US Census, July 1996 estimates of Poverty Populations (See Appendix 3)
- Legal Services Statistics for District 4 (See Appendix 1)

Activities to address the Problem:

- A.** The committee will plan presentations for persons of limited means regarding their rights and obligations under the law.
- B.** Support Legal Services efforts and provide at least one site in each county for a pamphlet of Legal Service's pamphlets and other informational pamphlets.
- C.** Promote and support the Legal Services' toll free number for use throughout all of District

4.

Description:

At least one informational meeting will be held per year in every county in District 4. The committee member in each county will be responsible for locating an appropriate forum. The committee member will coordinate the publicity for the meeting which can include, but is not limited to: contacting social service providers, public service announcements, press releases, public notices in the courthouse and notifying the private bar.

The committee shall decide the topic and be responsible for recruiting a speaker or speakers. Information shall be given not only concerning individual rights, but also responsibilities, how to avoid common problems, and if appropriate, how to represent oneself in these matters. A handout shall be available and offered to those attending summarizing the presentation and shall be made available to any other interested persons upon request. In most instances, it should be possible to utilize materials that have already been prepared by other providers such as the Indiana Bar Association, Legal Services, etc. Alternatively, the committee members or the speaker could prepare the hand out materials.

Every informational meeting will also present information about the legal resources available to persons of limited means in that county.

At least twice a year the committee will prepare and distribute a press release concerning a new or revised an educational pamphlet. The pamphlet will be available at the clerk's office in each

county, by calling Legal Service's toll free number or at other sites the committee may establish for distribution.

Problem/Barrier #2:

Inability to afford representation.

Supporting Data:

- Legal Services statistics from 1999 show that less than one-fourth of the income eligible applicants in District 4 were able to obtain representation. (See Appendix 1)
- Legal Needs Study of the Poor in Indiana, 1992
- The Legal Needs of Low-Income Hoosiers, October 1999

Activities to Meet the Need:

A. Case Referral:

People of limited means will be represented by case referral to pro bono attorneys. In Tippecanoe County, this would be performed jointly by Legal Services and Legal Aid. In the balance of District 4, this would continue to be performed by Legal Services. The committee is requesting funding for a half-time pro bono coordinator to help coordinate the referral, follow-up and monitoring of cases in district four.

In Montgomery County, persons of limited means will receive representation through direct contact with a lawyer. The Montgomery County Legal Aid attorney will determine financial eligibility using guidelines substantially similar to those used by legal assistance providers

Attorneys in all counties will be encouraged to refer possible pro bono cases to Legal Services for eligibility determination and possible referral. The attorneys are also encouraged to contact Legal Services directly if they have a client they would like to represent pro bono and want the advantages (such as malpractice insurance) of having that client go through the Volunteer Community Lawyer Panel.

B. Interviewing and determining eligibility of prospective pro bono clients:

The Legal Aid Corporation of Tippecanoe County and Legal Services will be jointly responsible for interviewing and determining the eligibility of prospective clients in Tippecanoe County.

Legal Services Program will be responsible for interviewing prospective clients and determining eligibility for clients in all of District 4.

The Montgomery County Legal Aid attorneys will continue to do their own interviewing and eligibility determinations.

C. Encourage pro bono attorneys to file *informa pauperis* when necessary and provide the

attorney with sample forms upon referral of any client when the referring agency deems it might be appropriate and/or upon request by the attorney.

Problem/Barrier # 3:

Lack of knowledge and confidence for pro se litigants to effectively represent themselves.

Supporting Data:

Report on the National Conference on Pro Se Litigation, November 1999

Activities to Meet the Need:

A. Make presentations to persons of limited means regarding their rights and obligations under the law. (See problem #1)

B. Forms for filing various actions pro se should also be readily available. Forms for filing in forma pauperis should also be readily available.

C. The commitment of the Bench is essential in any matter being handled pro se. The committee shall seek and encourage the cooperation and support of the courts in each county to make pro se representation work.

Description:

In relatively simple matters such as uncontested divorces where there are no children of the marriage, protective orders and small claims issues, litigants will be encouraged to represent themselves. The courts shall be encouraged to adopt standardized forms for pro se litigants in cooperation with the statewide effort to develop such forms. Forms and information concerning pro se representation will be made available through the clerk's offices, legal service providers and legal aid programs.

For uncontested matters that may be more complex, such as uncontested divorces with children, the committee will establish pro se clinics or work shops. These would be similar to the informational clinics but would be available only to clients who had contacted Legal Services or Legal Aid, and had been determined eligible. These clients' cases would be placed on a waiting list and notified about the next available workshop. These workshops could be staffed jointly by Legal Services' attorneys, Legal Aid attorneys and pro bono attorneys.

Problem/Barrier #4

Insufficient number of attorneys involved in an organized pro bono plan to meet the need.

Supporting Data:

- Appendix 1
- Appendix 4
- Legal Needs Study of the Poor in Indiana, 1992
- The Legal Needs of Low-Income Hoosiers, 1999

Activities to Meet the Need:

A. Current recruiting and recognition efforts should continue through Legal Services. The Bench and Bar Association in each county should take an active roll encouraging attorneys to participate.

B. Provide intake, screening, and referral of prospective clients: In Tippecanoe County, this activity would be performed jointly by Legal Services and Legal Aid. In the balance of District 4, this would continue to be performed by Legal Services.

C. Matching cases with individual attorney expertise: Legal Services will be primarily responsible for maintaining a list of pro bono attorneys in District 4, the types of cases they are willing to handle and matching clients with the attorneys. In Tippecanoe County, the Tippecanoe County Legal Aid will also match cases with attorneys.

D. Provide resources for litigation and out-of-pocket expenses by helping to fund the extraordinary litigation expense fund maintained by Legal Services.

E. Educational Opportunities: The committee will provide legal education and training for pro bono attorneys in specialized areas of law useful in providing pro bono civil legal service. It will sponsor and fund a district wide CLE for pro bono panel members at either a significantly reduced rate (or possibly free).

F. Mentors: The committee will encourage experienced attorneys to mentor attorneys handling pro bono cases in areas where they lack expertise. Legal Services will maintain a list of attorneys and the areas of expertise for which they are willing to act as mentors. When a volunteer lawyer need additional expertise, they can request such help from Legal Services which will then attempt to match the pro bono attorney with an attorney with the needed expertise.

G. Malpractice Insurance: The committee will help encourage attorneys to volunteer by helping to fund the malpractice insurance provided to the pro bono panel members through Legal Services.

H. Provide Community Recognition of Pro Bono Service: All members of the pro bono panel

will be recognized in an advertisement to be run in the primary newspaper in every county in District 4. The committee will establish an award or awards to recognize outstanding commitment to pro bono service. The Judges, Bar Associations and other providers of legal services will nominate attorneys and the committee will select the winner(s), be responsible for presenting the award and sending out appropriate publicity concerning the award(s). This shall be coordinated with other Law Day activities, such as those planned by the county Bar Associations, etc.

Problem/Barrier # 5:

Conflict situations in which Legal Services or Legal Aid has a conflict and cannot process an application for a pro bono representation prevent many people from being able to obtain an attorney.

Supporting Data:

-Appendix 1

Activities to Meet Need:

A. In Tippecanoe County, Legal Services will continue to handle the function of eligibility determination in instances where Legal Aid has a conflict of interest. In the other counties and in instances where both Legal Aid and Legal Services have conflicts, one or two attorneys will be recruited in each county who would be willing to take applications, and determine eligibility for service under the Legal Services/Legal Aid guidelines. Clients would be referred to one of these attorneys by Legal Services only in instances where Legal Services has a conflict of interest. The client would be sent a referral letter telling him/her of the conflict and making the referral. The attorney would then determine the client's eligibility for service and if eligible, either handle the case himself/herself, or find the client a volunteer attorney from the pro bono panel.

Problem/Barrier # 6

Inability or limited ability to speak English inhibits and/or prevents many low-income people from being able to effectively access the justice system.

Supporting Data:

-US Census Data for District 4 (see Appendix 3)

Activities to Meet the Need:

The district committee is requesting funding to hire a trained paralegal fluent in Spanish. This person would do out reach activities, educational activities, intake, case handling, and would assist the Volunteer attorneys in representing Spanish speaking clients in District 4.

Evaluation of Activities:

Five measures will be utilized:

1. The over all number of cases referred and handled by pro bono attorneys.
2. The percentage of attorneys who join the panel compared to the total number of attorneys in each county and the number who then actually accept cases.
3. Determine the approximate value of the services provided. As cases are closed, the attorneys will report the hours they spent on each case. A reasonable hourly rate will be assigned to determine the value of the donated services. For certain types of cases, a flat rate may be assigned as the case value up to a given number of hours and additional time valued at the hourly rate. An attorney who accepts a referral and meets with the client, but is unable to represent the client for whatever reason shall be credited with at least one hour.
4. The recovery or award a client receives shall be determined, when possible. This would include such things as the monthly value of a child support order, the value of items recovered from a landlord who wrongly held possessions, and any amounts the client was able to avoid having to pay because of the representation.
5. Assure adequate monitoring, follow-up, and measure client satisfaction: Cases referred through Legal Services will be monitored on a periodic basis, ideally every 60 days, more or less depending on the type of case and estimated time it will take to resolve any given type of case. Clients will be sent a survey form to assess their satisfaction with the services received. The results will be compiled and reported to the Program Administrator annually and used to

help determine the effectiveness of the program.

Implementation:

Most of the above is already in place and operating in connection with Legal Services. It needs additional support and to be expanded. The remainder (the conflicts panel) shall be in place by June 30, 2001

Budget:

Budget for this plan is currently being developed.

List of Appendices

1. Legal Services Program Statistics for 1999
2. Existing Service Programs
3. US Census Data for District 4
4. Number of Attorneys in each county in District 4 and the number participating in an organized pro bono panel.
5. Hall marks of an effective Pro Bono program.

